

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  COX IOWA TELCOM, L.L.C.	DOCKET NO. WRU-03-65-3102
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**ORDER GRANTING REQUEST FOR WAIVER**

(Issued December 5, 2003)

On November 3, 2003, Cox Iowa Telcom, L.L.C. (Cox Iowa), filed with the Utilities Board (Board) a request for a waiver of 199 IAC 22.4(3)"c"(2) regarding the form of customer billing so that Cox Iowa may bill its customers electronically. The waiver request has been identified as Docket No. WRU-03-65-3102. No objection to the request has been filed.

In support of its request, Cox Iowa states that certain customers have asked to receive bills in an electronic format. Cox Iowa states that it will send bills via electronic mail to those customers who specifically request electronic billing. Cox Iowa asserts that it is not mandating electronic billing for any of its customers, but is seeking a permanent waiver to the application of 199 IAC 22.4(3)"c"(2) so that it may provide electronic billing to those customers specifically requesting the service.

To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of

public health, safety, and welfare will be afforded by a means other than prescribed by the rule.

The Board finds that a waiver of 199 IAC 22.4(3)"c"(2) should be granted, based on the Board's review of the information provided by Cox Iowa. The Board finds that it would be an undue hardship for Cox Iowa to not be allowed to test the viability of electronic billing since the Board has previously granted similar waivers to energy utilities seeking to implement electronic billing. The Board also finds that the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have all been afforded since participation in the electronic billing testing period is optional and standard billing mechanisms will continue to be available to all of Cox Iowa's customers.

Cox Iowa requested a permanent waiver. The Board does not normally grant permanent waivers; thus, this waiver is granted only until changes in the relevant circumstances may cause the Board to rescind the waiver.

**IT IS THEREFORE ORDERED:**

The waiver request filed by Cox Iowa Telcom, L.L.C., on November 3, 2003, is granted as described in this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 5<sup>th</sup> day of December, 2003.